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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,874	06/08/2000	GEOFFREY MAITLAND	95.0110	3542

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EXAMINER

TUCKER, PHILIP C

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 08/14/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

508874

Applicant(s)

MAITLAND

Examiner

P. TUCKER

Group Art Unit

1712

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 5/30/02
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 22-54 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 43, 54 is/are allowed.
- ☒ Claim(s) 22-37, 39, 41, 42, 44-50, 52, 53 is/are rejected.
- ☒ Claim(s) 38, 40, 51 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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**DETAILED ACTION**

1. Applicants amendment contained 2 claims numbered 53, thus the second claim was numbered 54 under Rule 1.126.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 39, 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 39, the term "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

There is no antecedent basis for "the alkane sulfonic acids" and "the arene sulfonic acids" in claim 46 or in parent claim 25.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 22-37, 41, 42, 44-50, 52, 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller et al. (5348938).

Mueller teaches an invert drilling fluid which comprises a continuous phase of an alcohol, or an alcohol and an ester, and which further comprises salts, weighting agents and clays (see examples). The continuous phase would contain a least a minute amount of water dissolved therein. Such invert emulsions would inherently possess the properties disclosed for the present invention.

6. Claims 22, 25, 26, 28, 29, 31-34, 37, 41, 42, 44-47, 52, 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Bland et al. (5141920).

Bland teaches a drilling fluid which comprises a brine in glycol invert emulsion, and further comprises salts, clay and weighting agents. The continuous phase would contain a least a

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minute amount of water dissolved therein. Such invert emulsions would inherently possess the properties disclosed for the present invention.

7. Claims 38, 40 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

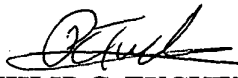
8. Claims 43 and 54 are allowable over the art of record.

9. Applicants arguments have been considered but are not deemed persuasive. Applicant has argued that the Bland and Mueller references do not teach the specified parameters of the present invention. However, Bland and Mueller teach the use of the same polar organic liquids as in the present invention, and thus would have the same properties as the liquids used herein. The value of  $10 \text{ S m}^{-1}$  is so low that the fluids taught by Bland and Mueller would inherently possess this value of electrical conductivity. Applicant has not shown by evidence, or given any specific reasons why, the fluids disclosed by Bland and Mueller would not possess such a low level of electrical conductivity. With respect to claims 25 and 34, and those dependent thereon, although the fluids of Bland and Mueller do not teach any salts dissolved in the POL, some amount of water would clearly be dissolved in the alcohols and polyethers disclosed therein. The present rejections are thus maintained.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tucker whose telephone number is (703) 308-0529. The examiner's normal working hours are 7:30am-4:00pm, Monday-Friday. If necessary SPE Robert Dawson may be contacted at 703-308-2340. For inquiries of a general nature call the receptionist at 703-308-0651. The group FAX no. is 703-872-9310. The **after final** fax no. Is 703-872-9311.

PCT-2616  
August 9, 2002

  
**PHILIP C. TUCKER**  
**ART UNIT 1712**